



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/589,409

09/19/2007

Erwin Oser

5151-20PUS

8224

27799

7590

03/02/2010

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

NGUYEN, HOANG M

ART UNIT

PAPER NUMBER

3748

MAIL DATE

DELIVERY MODE

03/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,409	Applicant(s) OSER ET AL.	
	Examiner Hoang M. Nguyen	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 31,32,34,35,37,39-42,48 and 50-59 is/are rejected.
- 7) ☒ Claim(s) 33,36,38,43-47,49 and 60 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/11/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3748

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31-32, 50-51, 54, 56-57, are rejected under 35 U.S.C. 102(b) as being anticipated by US 3505810 (Mamiya).

Mamiya discloses a power plant comprising an evaporator 2 for heating a fluid ammonia consists of vapor and liquid (multicomponent), driving a turbine 3, an absorption device 4 using absorption fluid (cooled liquid ammonia) through pipe 20, a separating device 1 comprising a thermal generator system to separate the working fluid with the absorption fluid and send the absorption fluid back to the absorption device through pipe 17.

Regarding claim 31 and its dependent claims, the claims recite "withdrawing energy from at least a first component," "raising the temperature of at least a second component", "the energy held in the at least second component", the phrase "at least" have been used to referred to the first and second component, meaning if the fluid in Mamiya withdraws the energy of both components (gas and liquid), raising the temperature of the whole working fluid including both gas and liquid, that still meets the claimed subject matter using "at least".

Regarding claim 54 and its dependent claims, the claims recite on line 10 "a separating device comprising a membrane or a thermal generator", note the word "or"

Art Unit: 3748

eliminates the need of using the membrane. Therefore, Mamiya meets the claimed subject matter even without the membrane.

Claims 31-32, 50-51, 54, 56-57, are rejected under 35 U.S.C. 102(b) as being anticipated by JP 06200710 (Uchida).

Uchida discloses a power plant comprising an evaporator 1 for heating a fluid mixture (multicomponent), driving a turbine 2, an absorption device 3 using absorption fluid through pipe with valve 6, a separating device 4 comprising a thermal generator system to separate the working fluid with the absorption fluid and send the absorption fluid back to the absorption device through pipe with pump 5.

Regarding claim 31 and its dependent claims, the claims recite "withdrawing energy from at least a first component," "raising the temperature of at least a second component", "the energy held in the at least second component", the phrase "at least" have been used to referred to the first and second component, meaning if the fluid in Uchida withdraws the energy of the whole working fluid, raising the temperature of the whole working fluid including the whole mixture, that still meets the claimed subject matter using "at least".

Regarding claim 54 and its dependent claims, the claims recite on line 10 "a separating device comprising a membrane or a thermal generator", note the word "or" eliminates the need of using the membrane. Therefore, Uchida meets the claimed subject matter even without the membrane.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-35, 37, 39-42, 48, 52, 53, 55, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 3505810 (Mamiya). Mamiya discloses all the claimed subject matter as set forth above in the rejection of claims 31, 54, but does not disclose different working fluid, mixtures, temperatures, expansion devices, heat sources, etc. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to elect different types of working fluid, mixture, temperatures, expansion devices, heat sources in the system of Mamiya for the purpose of achieving appropriate work outputs.

Claims 33, 36, 38, 43-47, 49, 60, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Romanelli, Ganic disclose power plants comprising fluid mixtures as working fluid with absorption devices.

Art Unit: 3748

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang M Nguyen/
Primary Examiner, Art Unit 3748

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
3/2/2010